

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**HITACHI CONSUMER  
ELECTRONICS CO. LTD. et al,**

**vs.**

**TOP VICTORY ELECTRONICS  
(Taiwan) CO. et al.**

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**CASE NO. 2:10cv260**

**ORDER RE: “HOTLINE” HEARING PURSUANT  
TO LOCAL RULE CV-26(g)**

Participants: Otis Carroll - Attorney for Hitachi Consumer Electronics Co. Ltd.  
Martin Black - Attorney for Hitachi Consumer Electronics Co. Ltd.  
Chad Everingham - Attorney for Vizio, Inc.  
Kevin McBride - Attorney for Vizio, Inc.  
Brian Berliner - Attorney for Top Victory Electronics

Date: January 16, 2013

Action on: Limited Disclosure of the Hitachi/AmTRAN License Agreement

The Court held a Hotline hearing to resolve the partial disclosure of Annex 2 of a license agreement between Plaintiff Hitachi Consumer Electronics Co. Ltd. (“Hitachi”) and third-party AmTRAN Technology Co. (“AmTRAN”). Defendant Vizio, Inc. (“Vizio”) filed an Emergency Motion on the issue (Doc. No. 209) and Judge Gilstrap set the Motion for hearing on February 12, 2013. However, in light of a mediation set for January 17, 2013, Vizio asked the Court to modify the parties’ Protective Order to allow an individual from Vizio to view the amount of the royalty rate set out in Annex 2 of the license agreement to facilitate settlement at the mediation. Plaintiff argued that the mediation is not a proper justification to modify the Protective Order, and noted that the parties may be able to come to an agreement when speaking with the mediator.

Before the Court takes action, the parties should first work through the mediation and speak with the mediator. The Court determined that it was not the proper time to decide the matter presented. Moreover, as the parties were in the midst of briefing, the Court had no written response from Hitachi before it, and Judge Gilstrap had already set the Motion for hearing. The parties were directed to continue briefing with Judge Gilstrap, and further, to continue working together and with the mediator to resolve the issue.

**So ORDERED and SIGNED this 16th day of January, 2013.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE